

APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

Unnamed stream 11.0038 and Wetland ABC

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 7 March 2008.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, Pierce County Public Works, NWS-2007-1663-WRD..
Name of water being evaluated on this JD form: Unnamed stream 11.0038 and wetland ABC

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Pierce City: Unincorporated Pierce County

Center coordinates of site (lat/long in degree decimal format): Lat: 46.9948 N, Long: 122.2813 W

Universal Transverse Mercator: 10 555770E 5204836N.

Name of nearest waterbody: South Creek.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Nisqually Reach, Puget Sound.

Name of watershed or Hydrologic Unit Code (HUC): 17110015.

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: South Creek and Abutting Wetlands

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 28 February 2008.

☐ Field Determination. Date(s): ____.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: ____.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 13200 linear feet 10 ft width (ft) and/or ____ acres.

Wetlands: 50 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual, and Established by OHWM.

Elevation of established OHWM (if known): ____.

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: ____.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

- A. TNWs AND WETLANDS ADJACENT TO TNWs – NOT APPLICABLE
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS – NOT APPLICABLE
- C. SIGNIFICANT NEXUS DETERMINATION – NOT APPLICABLE
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

2. RPWs that flow directly or indirectly into TNWs.

- ☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide rationale indicating that tributary flows perennial: Unnamed stream 11.0038 flows 7-12 months of the year. see the Tributary and Wetland Information provided by Pierce County (attached) for more supporting information. Describe flow path to a TNW: the unnamed stream 11.0038 flows into South Creek which drains into Muck Creek, which drains into the Nisqually River which drains into the Nisqually Reach, Puget Sound a Section 10 traditional navigable water.

Provide estimates for jurisdictional waters in the review area (check all that apply):

☒ Tributary waters: 13200 linear feet 10 width (ft).

☐ Other non-wetland waters: _____ acres.

Identify type(s) of waters: _____.

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- ☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- ☒ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: Wetland ABC, directly abutts South Creek with no burms or other obstructions between the wetland and the stream. Wetlands A, B, and C are one contiguous wetland separated by 288th street. See the Tributary and Wetland Information provided by Pierce County (attached) for more supporting information.

Provide acreage estimates for jurisdictional wetlands in the review area: 50 acres.

- E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): NOT APPLICABLE
- F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: NOT APPLICABLE

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Aug 15, 2007.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☒ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☐ U.S. Geological Survey Hydrologic Atlas: _____.
- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name: _____.
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: _____.
- ☐ National wetlands inventory map(s). Cite name: _____.
- ☐ State/Local wetland inventory map(s): _____.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____ (National Geodetic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date): _____
or ☐ Other (Name & Date): _____.
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Applicable/supporting case law: _____.
- ☐ Applicable/supporting scientific literature: _____.
- ☒ Other information (please specify): Tributary and Wetland Information Forms submitted by Pierce County (attached).

B. ADDITIONAL COMMENTS TO SUPPORT JD: _____.

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

South Creek and Abutting Wetlands

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Name of water being evaluated on this JD form: South Creek and abutting wetlands D-E, F, G, and I-J

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Name of watershed or Hydrologic Unit Code (HUC): 17110015.

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

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Explain: ____.

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- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 68640 linear feet 20 ft width (ft) and/or ____ acres.

Wetlands: 16 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual, and Established by OHWM.

Elevation of established OHWM (if known): ____.

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: ____.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

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Provide estimates for jurisdictional waters in the review area (check all that apply):

☒ Tributary waters: 68640 linear feet 20 width (ft).

☐ Other non-wetland waters: _____ acres.

Identify type(s) of waters: _____.

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- ☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- ☒ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: Wetlands D-E, F, G and I-J, directly abut South Creek with no burms or other obstructions. See the Tributary and Wetland Information provided by Pierce County (attached) for more supporting information.

Provide acreage estimates for jurisdictional wetlands in the review area: 66 acres.

- E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): NOT APPLICABLE
- F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: NOT APPLICABLE

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply):

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- ☐ Corps navigable waters' study: _____.
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or ☐ Other (Name & Date): _____.
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Applicable/supporting case law: _____.
- ☐ Applicable/supporting scientific literature: _____.
- ☒ Other information (please specify): Tributary and Wetland Information Forms submitted by Pierce County (attached).

B. ADDITIONAL COMMENTS TO SUPPORT JD: _____.